IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 551 OF 2007

Shri Shashikant Uttam Pawar .... Appellants
& Ors.
Vs.
Shri Bhimrao Sakharam Aher .... Respondent

Mr. M.S. Karnik for the Appellants

CORAM : D.B. BHOSALE, J.
DATE : 31ST JULY, 2007

P.C.

1) This appeal by original defendants challenges the concurrent findings of facts recorded by both the Courts below by which a suit filed by the Respondent - Plaintiff for redemption of mortgage has been decreed. Both the Courts below after having appreciated the entire evidence on record have concurrently held that the suit transaction was a mortgaged by way of conditional sale and not an out and out sale as contended by the defendants. The findings of facts recorded by the Courts below are based on the evidence on record. I do not find any reason to interfere with the findings of facts. No substantial question of law is raised.

2) Second appeal is dismissed.

(D.B. BHOSALE, J.)